



Testimony of Eric Brown
Counsel for Environmental, Energy and Regulatory Policy
Connecticut Business & Industry Association
before the
Judiciary Committee
March 18, 2016

RE: Senate Bill No. 431 An Act Concerning Consent Orders Entered into by the Department of Energy and Environmental Protection

Good afternoon. My name is Eric Brown and I serve as counsel for environmental, energy and regulatory policy for the Connecticut Business & Industry Association ("CBIA"). CBIA is proud to represent thousands of small and large businesses throughout Connecticut, employing hundreds of thousands of Connecticut citizens.

SB-431 seeks to expand the scope of an existing law which provides that when the Department of Energy and Environmental Protection (DEEP) and another party enter into a mutual agreement known as a consent order, and the consent order requires the remediation of contaminated property, then the requirements and standards for the remediation cannot be modified without the agreement of both the DEEP and the other party to the consent order.

SB-431 would expand the current law to fully protect the integrity of consent orders, such that no aspect of a consent order could be modified or revoked without mutual agreement.

Consent orders are an important tool in DEEP's enforcement portfolio. Prior to their development, DEEP could only issue unilateral administrative orders which inevitably triggered an appeal and protracted legal and technical negotiations that were time-consuming and expensive for both DEEP and the party subject to the administrative order.

In contrast, consent orders provide a mechanism to significantly lean the DEEP's enforcement process. But if the legal integrity of these mutual agreements can be undermined through unilateral modification or revocation by either party, then consent orders become meaningless and their considerable value as a tool for administrative efficiency is lost.

Therefore, CBIA supports enshrining the important protections articulated in SB-431 into Connecticut law.

Thank you for this opportunity to provide comment and for your consideration thereof.